



2026:CGHC:41237



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 6196 of 2024**

1 - Anil Kumar Upadhyay S/o Late Atmaram Upadhyay Aged About 40 Years
R/o Chakradhar Nagar, Kaserpara, Raigarh Tahsil And District Raigarh
Chhattisgarh.

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through The Secretary, Revenue Department,
Mahanadi Bhawan, Mantralaya, Atal Nagar Naya Raipur District Raipur
Chhattisgarh.

2 - The Collector Raigarh District Raigarh Chhattisgarh.

3 - The Nazul Officer Raigarh (Revenue) and Prescribed Authority Raigarh
District Raigarh Chhattisgarh.

... Respondent(s)**(Cause title taken from CIS Periphery)**

For Petitioner(s)	:	None
For Respondent/State	:	Mr. Anmol Sharma, Panel Lawyer

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad**Order on Board****22/09/2026**



1. By way of the present petition, the petitioner has prayed for following reliefs:-

“10.1 That, this Hon'ble Court may kindly be pleased to call for the entire records concerned to the petitioner's case.

10.2 That, this Hon'ble Court may kindly be pleased to set aside the order dated 29.08.2024 passed by the office of respondent no. 3 in Revenue Case No. 28/A-20(1)/2022-2023 (ANNEXURE P-1)

10.3 That, this Hon'ble Court may kindly be pleased to direct the respondent no. 2 and 3 to issue the Bhumi swami right as a settlement deed in favor of the petitioner with regard to the seat no. 44, plot no. 189/1, area 450 Sq. Ft. Situated at Nazul Raigarh, Tehsil & District Raigarh/Or Direct the respondent no. 2 & 3 to issue/grant 30 years Nazul patta/ lease in favor of the petitioner with regard to the seat no. 44, plot no. 189/1, area 450 Sq. Ft. Situated at Nazul Raigarh, Tahsil & District Raigarh in substitution if the respondent no. 2 & 3 are unable to issue the bhumi swami right settlement deed in favor of the petitioner.

10.4 That, this Hon'ble Court may kindly be pleased to grant any other relief, as it may deem fit.”

2. The facts of the case, in brief, are that the petitioner applied before respondent No.3 for settlement of Nazul land bearing Plot No.189/1, admeasuring 960 sq.ft., situated at Nazul Seat No.44, near Sanjay Market, Raigarh, in his favour, along with issuance of Nazul Patta and conferment of Bhumi Swami rights in accordance with the applicable



guidelines issued by the State Government. The petitioner claimed to have been in continuous possession of the land for the last 36 years and stated that he had constructed a hut thereon for his livelihood. Pursuant to the said application, Revenue Case No.28/A-20(1)/2022-2023 was registered by respondent No.3. The requisite proceedings, including obtaining no-objection certificates from the concerned departments, spot inspection, publication and recording of evidence, were undertaken. Thereafter, respondent No.3 passed an order for calculation of land revenue and the proposal for conferment of Bhumi Swami rights under the settlement scheme was approved by respondent No.2 on 14.08.2023. Subsequently, respondent No.3 issued a demand notice requiring the petitioner to deposit a sum of Rs.13,39,286/-. The petitioner deposited the said amount through challan dated 03.10.2023 and submitted the same before respondent No.3 on 04.10.2023. However, the Bhumi Swami rights were not formally conferred in favour of the petitioner. Thereafter, respondent No.3, vide order dated 29.08.2024, relying upon the subsequent circular/notification dated 23.07.2024, whereby the earlier guidelines were withdrawn/cancelled, rejected the petitioner's claim for conferment of Bhumi Swami rights under the settlement scheme and directed refund of the amount deposited by him. Hence, the present petition.

3. Learned Panel Lawyer appearing for the State submits that, subsequently, vide notification dated 20.11.2024, the circulars dated 11.09.2019, 26.10.2019, 20.05.2020 and 24.02.2022 have already been withdrawn by the State Government. Therefore, the petitioner's claim based upon the aforesaid circulars does not survive for



consideration. It is further submitted that the amount deposited by the petitioner may be refunded to him in accordance with law.

4. In view of the subsequent withdrawal of the aforesaid circulars by the State Government, the claim of the petitioner for conferment of Bhumi Swami rights under the said circulars cannot be granted.
5. However, as the petitioner has admittedly deposited a sum of Rs.13,39,286/- pursuant to the demand notice issued by respondent No.3, the said amount is liable to be refunded to the petitioner.
6. Accordingly, if the petitioner approaches the concerned authority along with a copy of this order, the concerned authority shall refund the amount of Rs.13,39,286/- deposited by the petitioner, in accordance with law, within a reasonable period.
7. With the aforesaid direction, the writ petition stands **disposed of**.

Sd/-

(Amitendra Kishore Prasad)

Judge